

Senate Resolution 1235

By: Senators Henson of the 41st, Hooks of the 14th and Williams of the 19th

A RESOLUTION

1 Commending Dr. James L. Cherry for his pioneering efforts in the disability rights
2 movement; and for other purposes.

3 WHEREAS, for many years, Dr. James L. Cherry, a native of Georgia, has been one of the
4 leading figures in the struggle for equal rights for the disabled, devoting his life to forging
5 a more free and just world; and

6 WHEREAS, Dr. Cherry was instrumental in the legislative effort leading to the passage of
7 Section 504 of the Rehabilitation Act of 1973, a groundbreaking federal law modeled after
8 Title VI of the 1964 Civil Rights Act and considered to be the first civil rights act for persons
9 with disabilities; and

10 WHEREAS, later, in his 1976 landmark case, *Cherry v. Matthews*, 419 F. Supp. 922 (D.D.C.
11 1976), United States District Court Judge John Lewis Smith, Jr., ruled that the federal
12 government was obligated to develop and promulgate a comprehensive regulation under
13 Section 504 to prevent discrimination against persons with disabilities nationwide, a holding
14 that marked the first time disabled individuals were recognized as a protected class by the
15 United States government; and

16 WHEREAS, this groundbreaking decision has affected tens of thousands of federally assisted
17 programs in thousands of cities and communities across the country, with Section 504
18 requirements applying to universities, schools, hospitals, state and local government
19 buildings and programs, transportation systems, police and fire stations, day care centers,
20 parks, legal services, public housing, and numerous other federally assisted programs; and

21 WHEREAS, *Cherry v. Matthews* served as the foundation for the federal Americans with
22 Disabilities Act, which was largely a restatement of the federal regulation under Section 504
23 with expanded scope to encompass other areas of society; and

1 WHEREAS, for over 35 years, Dr. Cherry has been involved in numerous other innovative
2 legislative and legal efforts to clear hurdles for the disabled, such as the voting accessibility
3 law, handicapped parking laws, building accessibility standards, and the Assistive
4 Technology Warranty Act; and

5 WHEREAS, Dr. Cherry's tireless commitment to justice and equality has changed the lives
6 of countless Americans with disabilities, and it is abundantly fitting and proper for this body
7 to pay tribute to the many contributions of this heroic Georgian.

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body
9 commend Dr. James L. Cherry on his four decades of dedicated and successful volunteer
10 advocacy for the disabled community and thank him for his outstanding contributions to
11 Georgia.

12 BE IT FURTHER RESOLVED that the members of this body endorse the spirit of Section
13 504 and the federal Americans with Disabilities Act and support continued efforts to make
14 our society more fair and accessible for disabled Americans.

15 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
16 to transmit an appropriate copy of this resolution to Dr. James L. Cherry.